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CRIMINAL COURTS BUILDING
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October 16, 1991

Captain Kenneth Smith
Homicide Bureau
Los Angeles Sheriff's Department
211 West Temple Street
Los Angeles, California 90012

Dear Captain Smith:

In re: S.I.D. File No. 100-6660
L.A.S.D. FILE NO. 090-03665-2552-031

This office has completed its review of the March 1, 1990, fatal shooting of Arthur Jones, age 32, by Los Angeles County Sheriff's Department Deputies Douglas Creighton, Daniel Regalado, Curtis Golden, Jason Mann, and Thomas Brownell. Deputy District Attorney Steven Weiss and District Attorney Senior Investigator [redacted] arrived at the location after being notified of the shooting. They made their own observations of the scene. The reports of the Sheriff's Department and the County of Los Angeles Chief Medical Examiner/Coroner were reviewed.

Arthur Jones died of wounds received during a high-speed chase through the streets and freeways of Los Angeles. Jones had kidnaped [redacted] at the point of a shotgun, robbed him, and hit him in the face with the butt of the shotgun. As Sheriff's deputies took up the pursuit, Jones pushed [redacted] from a moving car and attempted to escape. For over ten minutes the deputies pursued Jones with marked patrol vehicles, flashing red lights and sirens. They attempted to stop him with blockades of patrol vehicles and gunshots to the tires. Jones drove his car through stop signs and red lights, directly at deputies and their vehicles, and head-on into oncoming traffic. Even after one of his tires was blown Jones sped on down the wrong side of the street, forcing traffic onto the sidewalk.

The deputies fired at the car as it raced toward them; they also fired as it fled. Jones crashed into the center divider and stepped out of his car with his hands raised. He had been hit by a bullet through the right cheek that fractured a vertebra. Four deputies stated that Jones resisted and made a sudden movement as it to reach for a weapon; Deputy Golden responded by hitting Jones on the head and body with his flashlight. Shortly thereafter, Jones died at Charter Hospital. A deputy coroner

later determined that the blows by Deputy Golden, though serious, were not the cause of death. Jones died from the bullet wound to the vertebra. A toxicological examination also revealed that he had used cocaine.

We conclude that the shots fired at Jones as he drove at the deputies were fired in self-defense. The shots fired as he drove past them were fired in defense of others and were an appropriate use of lethal force in the capture of a felon who posed a continuing danger.

Accordingly, the District Attorney's Office declines any prosecution in this matter.

FACTUAL SUMMARY

On March 1, 1990, at approximately 12:50 a.m., [redacted] was walking home from work. He was traveling west on Myrrh Street from Atlantic Avenue in East Compton. When Mr. [redacted] reached the northwest corner of Myrrh Street and White Avenue, a four-door car drove up beside him. Mr. [redacted] perceived that the car was light blue, however it was actually a silver Volvo.

The driver, later identified as Arthur Jones, reached over and opened the passenger door. Mr. Jones pointed a shotgun at Mr. [redacted] and told Mr. [redacted] to get in the car or he would be shot. Mr. [redacted] was afraid for his life and got into the front passenger seat of the car.

Mr. Jones pointed the gun at Mr. [redacted] side and told Mr. [redacted] to give him everything or he would shoot Mr. [redacted]. Mr. [redacted] gave Mr. Jones his wallet, which Mr. Jones placed under his right thigh. Mr. Jones then continued west on Myrrh Street, still pointing the shotgun at Mr. [redacted]. Mr. Jones turned onto Butler Avenue. Driving north on Butler Avenue was a marked Sheriff's unit containing Deputies Golden and Gillies.

Mr. Jones immediately started trying to hand Mr. [redacted] the shotgun, demanding that Mr. [redacted] throw the shotgun out the open passenger window. Mr. [redacted] refused to take the shotgun. Mr. Jones then reached across Mr. [redacted] and threw the shotgun out the passenger window.

This occurred in the vicinity of [redacted] Butler Avenue. With the Sheriff's unit following, Mr. Jones turned west on Alondra Boulevard. Mr. Jones then turned south on Thorson Avenue and slowed. Mr. Jones told Mr. [redacted] to get out of the car. Mr. Jones then accelerated, preventing Mr. [redacted] from exiting. Mr. Jones turned east on Elizabeth Street.

Mr. [redacted] then realized that there was a passenger in the back seat. This individual has never been identified. As the car was traveling east

on Elizabeth Street, the back seat passenger told Mr. Jones to stop. As Mr. Jones slowed and turned north on Harris Avenue, the man in the back of the car jumped out using the rear passenger door. Mr. Jones turned east on Alondra Boulevard.

At Alondra Boulevard and Atlantic Avenue Mr. Jones slowed, reached across Mr. [redacted], opened the passenger door and pushed Mr. [redacted] out of the car. Mr. Jones continued eastbound on Alondra Boulevard and got on the southbound 710 Freeway. Deputies Kelly Gill and Edward Nordskog responded to Alondra Boulevard and Atlantic Avenue, obtained statements from Mr. [redacted] and recovered a shotgun from the west gutter in front of [redacted] Butler Avenue.

Deputies Gill and Nordskog also took a statement from [redacted]. Mr. [redacted] was standing on the southeast corner of Alondra Boulevard and Atlantic Avenue. He saw a "light blue" car driving east on Alondra. The car came to a stop and a man got out the front passenger door. Mr. [redacted] saw a Sheriff's unit pull up behind the car with its rotating lights on and siren sounding. Mr. [redacted] heard the deputies yell, "Police! Halt! Freeze!" Mr. [redacted] then heard the car's engine rev and tires screech as the car accelerated eastbound on Alondra Boulevard. Mr. [redacted] saw the car enter the southbound 710 Freeway with the Sheriff's car in pursuit.

That patrol car contained Deputies Gillies and Golden. Deputy Gillies was driving. They first observed Mr. Jones when he turned from Myrrh Street south onto Butler Avenue. The deputies were northbound on Butler at the time. When they first saw the Volvo, there were three people inside. Deputy Gillies noticed that Mr. [redacted] had a terrified look on his face and commented on it to his partner. Deputy Golden replied, "It looked like he was dead." Because of these observations, they decided to make a U-turn and investigate.

After the deputies made the U-turn, the Volvo accelerated to a high rate of speed. Mr. Jones made a right turn onto westbound Linsley Street, then to southbound Harris Avenue, running a stop sign. The deputies decided to initiate a traffic stop. They turned on their lights and siren. Mr. Jones did not stop. He continued southbound on Harris Avenue to westbound Alondra Boulevard to southbound Thorson Avenue to eastbound Elizabeth Street. Mr. Jones then ran another stop sign and continued northbound to Harris Avenue. When the car was on Butler Avenue, Deputy Golden saw a long weapon, possibly a rifle, being tossed out of the vehicle. He perceived that it was thrown from the rear passenger portion of the car. As Mr. Jones was traveling down Harris Avenue, Deputy Golden told Deputy Gillies that he saw a handgun thrown from the vehicle. No handgun was ever recovered. Both deputies watched as the back seat passenger left the car and Mr. [redacted] was pushed from the vehicle. The deputies then followed Mr. Jones onto the southbound 710 Freeway.

Mr. Jones went from the freeway to Long Beach Boulevard heading north, to eastbound Adams to southbound Butler. Mr. Jones turned into an alley between Adams and Scott, then went westbound on Adams. The deputies followed as he turned north onto Long Beach Boulevard and entered the 91 Freeway heading westbound. He again exited the freeway at Downey Avenue northbound to eastbound Park Street.

During the course of the pursuit, other units had joined to assist. Deputy Creighton was driving a marked patrol car with Deputy Costleigh as his partner that morning. They were monitoring the chase on their radio and remained in the area. They were at the southwest corner of Park Street and Lakewood Boulevard when they heard Air 21 say, "The unit at Park and Lakewood, they're coming right at you." Deputy Creighton then observed the silver Volvo traveling eastbound on Park Street with a patrol car (Gillies and Golden) in pursuit. Believing that Mr. Jones was going to hit his patrol car, Deputy Creighton got out of the car. Creighton yelled for Costleigh to get out as well. Costleigh also exited. Both deputies had their handguns pointed at the car as Mr. Jones continued to drive toward them. Deputy Creighton believed that Mr. Jones was going to hit either he or his partner and fired one round which struck the windshield on the driver's side of the vehicle. The car then swerved toward Deputy Costleigh who jumped out of the way. The Volvo then spun out and stopped. Deputies Gillies and Golden stopped their unit in front of Mr. Jones. Deputy Golden got out of the patrol car. Mr. Jones drove directly toward Deputy Golden. Fearing that he was about to be hit, Deputy Golden fired six rounds, then jumped back into the safety of his patrol car.

Mr. Jones then drove at Deputy Regalado, who was monitoring the situation from Lakewood Boulevard at the 91 Freeway. Deputy Regalado felt that he was about to be hit and fired one round at the Volvo. Regalado had to jump out of the way to avoid being hit.

[redacted] was on duty as a security guard at George Chevrolet, 17000 Lakewood Boulevard. Mr. [redacted] was standing in front of the showroom when he heard sirens and a helicopter. He saw patrol cars approaching from both directions on Lakewood Boulevard. He then saw the Volvo turn from Park Street onto Lakewood Boulevard at a high rate of speed. Mr. [redacted] watched as the Volvo approached from the south and attempted to make a U-turn. During the turn a patrol car pulled up next to the Volvo. Mr. [redacted] saw the passenger officer fire approximately four rounds at the Volvo's tires. He was certain that the deputy's gun was pointed downward at the Volvo's tires. He then saw the Volvo speed away with the Sheriff's units in pursuit.

Mr. Jones then proceeded to the 91 Freeway. Deputies Regalado, and Costleigh returned to their cars and joined the pursuit. Mr. Jones took the Bellflower off ramp and proceeded south to westbound Artesia Boulevard. On Artesia Mr. Jones was driving on the wrong side of the road. He was driving in an erratic manner, forcing eastbound traffic onto the sidewalk.

Deputy Brownell and his partner, Deputy Running, joined the pursuit. Deputy Running was driving. Deputy Brownell observed that as Mr. Jones turned onto Artesia Boulevard he almost struck another patrol car. After Mr. Jones did this he looked in Deputy Brownell's direction, smiled and clapped his hands. Based on the conduct he was observing, Deputy Brownell believed that Mr. Jones presented a danger to the public and could possibly kill someone. Deputy Brownell attempted to disable the Volvo by shooting out the left rear tire. He fired one round.

Deputy Mann and his partner Deputy Anderson had also responded to the area. Deputy Mann also believed that Mr. Jones was going to cause an accident on Artesia Boulevard and possibly kill someone. He fired two rounds at the Volvo's left rear tire. The second round blew out the tire and the car began swerving. However, Mr. Jones continued on at approximately 55 miles per hour. Deputy Mann perceived that Mr. Jones was not going to stop and fired four more rounds in the direction of the Volvo.

Mr. Jones continued for approximately a mile and a half, then crashed into the center divider near Cherry Avenue and Artesia. Mr. Jones got out of the Volvo with his hands up. Deputy Brownell approached the Volvo and observed Mr. Jones with his hands in the air. Mr. Jones moved his hands toward his waistband while Deputy Running was attempting to handcuff him. Deputy Golden struck Mr. Jones in the head several times with his flashlight. Mr. Jones fell to the ground and was then handcuffed.

Deputies Greg Thompson and Brian Steinwand arrived. Deputy Thompson spoke with Deputies Golden and Gillies. Mr. Jones was lying handcuffed on the pavement next to the Volvo. Mr. Jones was bleeding from a cut on the top of his head, but was conscious. Deputy Thompson asked Mr. Jones if he was alright. Mr. Jones said that his head hurt. It was Deputy Thompson's opinion that Mr. Jones was coherant and answered questions without hesitation. Deputy Thompson felt that he could get Mr. Jones the short distance to Charter Hospital more quickly in his patrol car than waiting for an ambulance. Deputies carried Mr. Jones to the patrol car and proceeded "Code 3" to the hospital. They arrived at Charter Hospital one to two minutes later. Mr. Jones was examined and treated by the emergency room staff. Mr. Jones was placed on a life support system due to a possible gunshot wound to the head and other head trauma. Mr. Jones died on March 4, 1990, at 12:45 p.m.

Mr. Jones was transported to the office of the Los Angeles County Chief Medical Examiner/Coroner. On March 9, 1990, an autopsy was performed by Irwin Golden, M.D. Dr. Golden determined that the cause of death was a gunshot wound to the neck that fractured the craniocerebral vertebra. Dr. Golden also found blunt traumatic injuries, potentially fatal. There was also a graze-type gunshot wound to the right arm that was not life threatening. Dr. Golden was interviewed by Senior Investigator [redacted]. Dr. Golden stated that Mr. Jones could have had the ability to move and respond for minutes after receiving the fatal gunshot wound. He would have been able to get out of the car, speak and have full use of his arms and legs. Dr. Golden also stated that without the fatal gunshot wound, the blunt trauma injuries could have been treated and Mr. Jones could have recovered. Dr. Golden also recovered a bullet from an old gunshot wound in Mr. Jones right shoulder. A toxicological analysis of Mr. Jones indicated that at the time of the autopsy he had .16 micrograms of benzolecogonine per milliliter of blood. Benzolecogonine is the chemical substance that cocaine is broken down into by the human body. A screening of Mr. Jones' blood for cocaine was negative. The level of benzolecogonine detected indicated that sometime prior to his death Mr. Jones had ingested cocaine. However, due to the three days that Mr. Jones was on life support systems at Charter Hospital, it is not possible to determine what level of cocaine might have been present in Mr. Jones' body at the time of the pursuit.

One deformed medium-caliber lead bullet that was recovered during Mr. Jones' autopsy was transported to the Firearms Identification Section of the Los Angeles County Sheriff's Department Criminalistics Laboratory. Firearms examiner James Roberts examined the expended bullet as well as expended cartridges located in the field and the handguns of all of the deputies who fired their weapons during the pursuit. Each of the deputies' pistols was in proper working condition. Because the bullet recovered during Mr. Jones' autopsy was deformed, Mr. Roberts was unable to perform comparative tests to determine which deputy fired the fatal round.

LEGAL ANALYSIS

California law permits the use of deadly force in one's self-defense or in the defense of another if it reasonably appears to the person claiming the right of self-defense or the defense of another that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Williams (1977) 75 Cal. App. 3d 731.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent

the injury which appears to be imminent. California Jury Instructions--Criminal (CALJIC) 5.30, 5.32.

Deputies Golden and Gillies were the first officers to observe Mr. Jones. Mr. [redacted] was still in the Volvo and it was apparent there was a problem. Deputy Golden saw a long weapon thrown from the car, then believed he saw a handgun discarded. Mr. [redacted] was forced from the vehicle after being robbed at gunpoint. All of the deputies involved in the pursuit were aware of these preliminary facts. Mr. Jones was also refusing to yield to the lights and sirens of the patrol cars while leading numerous deputies on a dangerous high-speed pursuit.

Deputy Creighton was the first officer to fire at the Volvo. He had just been advised by Air 21 that Mr. Jones was driving directly at him. Deputy Creighton reasonably believed that Mr. Jones was going to hit him or his partner. He fired one round in self-defense. It struck the windshield on the driver's side. Mr. Jones then swerved toward Deputy Costleigh, who was forced to jump out of the way to avoid injury.

Deputy Golden was next placed in jeopardy as Mr. Jones propelled the Volvo directly at him. Justifiably fearing for his life, he fired six rounds at the Volvo. According to witness [redacted] these rounds were directed at the tires of the speeding car.

Deputy Regalado was the next to be assaulted. He fired one round before he leaped out of harm's way.

Deputies Brownell and Mann watched Mr. Jones driving in an erratic manner on the wrong side of Artesia Boulevard. They both watched as traffic was forced onto the sidewalk to avoid colliding with the Volvo. Deputy Brownell saw Mr. Jones smiling and clapping after he nearly struck a patrol car. Both deputies reasonably believed that Mr. Jones presented an extreme danger to themselves and the public. Deputy Brownell fired one round at the Volvo's left rear tire and Deputy Mann fired two. Deputy Mann's second round blew out the tire. The car was swerving, but continued on at approximately 55 miles per hour. It was reasonable for Deputy Mann to assume that Mr. Jones did not intend to stop and still presented a threat to the community. He fired four additional rounds at the Volvo.

After the Volvo came to rest on the center divider, Mr. Jones voluntarily came out of the car with his hands up. However, as the deputies were attempting to handcuff him, Mr. Jones pulled his hands toward his waist. Deputy Golden feared that Mr. Jones was still armed and struck him four or five times on the head with his flashlight. The autopsy indicated that Mr. Jones' craniocerebral blunt trauma injuries were potentially fatal,

yet Dr. Golden believed that Mr. Jones could have recovered from these injuries. There were lacerations of the scalp and a depressed fracture of the skull. There were also multiple abrasions, contusions and lacerations to the head, trunk and extremities. Deputy Golden's use of force, he asserted, was based on his belief that Mr. Jones was still armed when he pulled from Deputy Running and moved his hands toward his waist. Deputy Golden had also observed Mr. Jones attempt to run over numerous sheriff deputies and endanger the public with his pattern of driving. While the injuries to Mr. Jones that are detailed in the autopsy may indicate that the force used was excessive, given Mr. Jones' overall course of conduct and actions, criminality on the part of Deputy Golden cannot be shown beyond a reasonable doubt.

CONCLUSION

Mr. Jones had engaged in a prolonged pattern of life-threatening conduct. He had perpetrated a robbery and a kidnap at gunpoint. He then directed his assaultive behavior at the peace officers who were attempting to apprehend him. At the moment each deputy used force he reasonably feared for his safety and the safety of others.

Accordingly, we decline any criminal prosecution and consider this matter closed.

Very truly yours,

IRA REINER
District Attorney

R. DAN MURPHY
Assistant District Attorney

By Jodi B. Rafkin
JODI B. RAFKIN
Deputy District Attorney

ae

c: Deputy Douglas Creighton
Deputy Daniel Regalado
Deputy Curtis Golden
Deputy Jason Mann
Deputy Thomas Brownell